

REMARKS

This Response is submitted in reply to the Office Action dated September 17, 2008. Claims 1 to 5, 7 to 17, 20 to 49, 81, 82, 84 to 87, and 89 to 96 are pending in this application. Claims 1, 9, 11, 13, 16, 21, 24, 25, 31, 38, 44, 81, 84, 91, 93, 95, and 96 have been amended. No new matter is introduced by these amendments. Claims 6, 18, 19, 50 to 80, 83, and 88 were previously cancelled. Applicant is submitting herewith a Request for Continued Examination. Please charge deposit account number 02-1818 to cover the cost of the RCE and any other fees which are due in connection with this Response.

The Office Action rejected Claims 1 to 5, 7 to 17, 20 to 49, 81, 82, 84 to 87, and 89 to 96 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,589,114 to Rose ("Rose"). Applicant respectfully disagrees with these rejections. Nevertheless, certain of the claims have been amended for clarification purposes.

Rose discloses a shuffle feature in which value-based symbols generated along an active pay line each reveal a respective number superimposed over each of the symbols (Col. 3, line 64 to Col. 4, line 4). The revealed numbers represent each of the respective digits of a credit amount that defines a first award which is not awarded to the player (Col. 4, lines 6 to 11). When executing the shuffle feature, the CPU in Rose randomly selects one of a possible number of credit amounts which include different arrangements of the revealed numbers based on a weighted probability table (Col. 4, lines 31 to 33). The CPU then causes the symbols and their respective numbers to be re-ordered to show the randomly-selected credit amount that defines a second award which is awarded to the player (Col. 4, lines 47 to 50 and lines 21 to 25). The revealed numbers remain with the respective symbols as the symbols are re-ordered such that the numbers are likewise re-ordered (Col. 4, lines 15 to 18 and Figures 5 to 7). This random re-ordering may occur with or without player interaction to define an award given to the player (Col. 5, lines 3 to 9).

In Rose, the numbers representing the digits of the first award (i.e., the award prior to the re-ordering) are revealed to the player at the same time. The revealed numbers are then randomly re-ordered at the same time to define a second award, which is provided to a player. For example, as seen in Fig. 4 of Rose, the reel spin

results in three shamrock symbols on the first three reels. The shamrock symbols reveal the numbers zero 60, two 62, and four 64. After these digits are simultaneously revealed, the shuffle feature (i.e., the random re-ordering of those digits) occurs, as seen in Figs. 5, 6, and 7.

Although Rose discloses that the random re-ordering of the displayed numbers can occur "with or without player interaction," it occurs after all of the digits which will form the credit amount of the award have been displayed to the player. Accordingly, even assuming, arguendo, that Rose includes enabling the player to cause or initiate the re-ordering of the digits, Rose does not render obvious a processor which operates with at least one display device and at least one input device to: (a) display a plurality of player-selectable digit positions; (b) select and display a first one of the digits; (c) after displaying the first one of the digits, enable a player to select a first one of the displayed digit positions for the selected first one of the digits; (d) after the player selects the first one of the displayed digit positions for the selected first one of the digits, associate and display the selected first one of the digits with the displayed first one of the digit positions selected by the player; (e) after the player selects the first one of the displayed digit positions for the first one of the digits and the first one of the digits is associated and displayed with the selected first one of the displayed digit positions, select and display a second one of the digits; (f) after displaying the second one of the digits, enable the player to select a second one of the displayed digit positions for the selected second one of the digits; (g) after the player selects the second one of the digit positions for the selected second one of the digits, associate and display the selected second one of the digits with the displayed second one of the digit positions selected by the player; and (h) determine and display an award based on an order of the digits associated with the digit positions selected by the player.

On the other hand, in the gaming device of amended independent Claim 1, the processor operates with at least one display device and at least one input device to: (a) display a plurality of player-selectable digit positions; (b) select and display a first one of the digits; (c) after displaying the first one of the digits, enable a player to select a first one of the displayed digit positions for the selected first one of the digits; (d) after the player selects the first one of the displayed digit positions for the selected first one of the

digits, associate and display the selected first one of the digits with the displayed first one of the digit positions selected by the player; (e) after the player selects the first one of the displayed digit positions for the first one of the digits and the first one of the digits is associated and displayed with the selected first one of the displayed digit positions, select and display a second one of the digits; (f) after displaying the second one of the digits, enable the player to select a second one of the displayed digit positions for the selected second one of the digits; (g) after the player selects the second one of the digit positions for the selected second one of the digits, associate and display the selected second one of the digits with the displayed second one of the digit positions selected by the player; and (h) determine and display an award based on an order of the digits associated with the digit positions selected by the player. Thus, in the gaming device of amended independent Claim 1, each of the digits utilized to determine the award is selected and displayed to the player and then associated with a player-selected one of the digit positions, one at a time. In this manner, when the player is selecting a digit position for a first digit that has been selected and displayed to the player, the player does not know what a second digit will be.

The Office Action asserts that enabling a player to select paylines to activate in the game of Rose is equivalent to enabling the player to select digit positions. Applicant respectfully disagrees with the Office Action's reasoning. As discussed above, in the gaming device of amended independent Claim 1, the processor operates to: (i) after displaying the first one of the digits, enable the player to select a first one of the displayed digit positions for the selected first one of the digits; (ii) after the player selects the first one of the displayed digit positions for the selected first one of the digits, associate and display the selected first one of the digits with the displayed first one of the digit positions selected by the player; (iii) after the player selects the first one of the displayed digit positions for the first one of the digits and the first one of the digits is associated and displayed with the selected first one of the displayed digit positions, select and display a second one of the digits; (iv) after displaying the second one of the digits, enable the player to select a second one of the displayed digit positions for the selected second one of the digits; and (v) after the player selects the second one of the digit positions for the selected second one of the digits, associate and display the

selected second one of the digits with the displayed second one of the digit positions selected by the player. Thus, the player is enabled to select a digit position for each selected digit, one at a time, after the player already knows what a value of that digit is. In Rose, on the other hand, when the player activates a payline, such as the payline 44 in Fig. 3, symbols are subsequently generated and displayed in each of the symbol positions along the payline at substantially the same time, with no player control or choice over which symbols will be associated with and displayed in which symbol positions.

Moreover, since the shuffle feature of Rose occurs after all of the symbols (i.e., digits) of the award have already been displayed to the player, modifying Rose to incorporate enabling the player to select the positions for the displayed digits would render Rose inoperable for its intended purpose. The shuffle feature of Rose causes a random re-ordering of the three shamrock symbol displayed on the reels. Rose describes that, when executing the shuffle feature, the CPU randomly selects one of six possible credit amounts based on a probability table (Col. 4, lines 30 to 34). Enabling a player to select positions for symbols or digits that have already been revealed or displayed to the player would not result in a random re-ordering of those digits. The player would always re-arrange the digits to put them into the order that produces the highest possible numerical value (i.e., the highest credit amount awarded to the player). Such a re-ordering of the displayed digits would be based on the respective values of those displayed digits and would not be random.

Accordingly, for at least the reasons discussed above, amended independent Claim 1 and the claims depending therefrom are each patentably distinguished over Rose and in condition for allowance.

Amended independent Claims 13, 25, 81, 95, and 96 each include certain similar elements to amended independent Claim 1. For reasons similar to those discussed above with respect to amended independent Claim 1, amended independent Claims 13, 25, 81, 95 and 96 and the claims depending therefrom are each patentably distinguished over Rose and in condition for allowance.

Amended independent Claim 31 is generally directed to a gaming device which includes, amongst other elements: at least one processor which operates with the at least one display device for a play of a game to: (a) cause a mechanical display device having a plurality of different modification methods displayed thereon to move to simultaneously display a plurality of the modification methods to a player; (b) cause an indicator to move to indicate one of the modification methods which is displayed when the mechanical display device stops moving; (c) display an original award including a plurality of digits associated with a plurality of digit positions, wherein the order of said digits displays a value of the original award; and (d) display and provide to the player a modified award including a modification of the digits of the original award based on the modification method indicated by the indicator and mechanical display device.

The Office Action acknowledges that Rose does not disclose a mechanical display device. The Office Action concludes, however, that it is notoriously well-known in the art to adapt video display means over movable mechanical means, thus making the gaming machine more efficient and less inclined to any mechanical problems.

However, regardless of whether it would have been obvious to modify Rose to include a mechanical display device, the resulting gaming device would not include: (a) a moveable mechanical display device having a plurality of different modification methods displayed thereon, and (b) at least one processor which operates to cause the mechanical display device to move to simultaneously display a plurality of the modification methods to a player and to cause an indicator to move to indicate one of the modification methods which is displayed when the mechanical display device stops moving.

Amended independent Claim 31 is generally directed to an embodiment of the present invention, as illustrated in the example of Figs. 16 to 21, which is described below to assist the Examiner in understanding the claim.

As seen in Fig. 16, the gaming device includes a modification method display 312 and a modifier method indicator 314. In this embodiment, a plurality of different modification methods (e.g., rearrange, remove lowest digit, regenerate, etc.) are distributed on the modification method display 312. After the gaming device places the generated numbers 116 in the digit positions 118 to 122 and reveals the corresponding

award (i.e., an award having a value of 693, as seen in the example Fig. 16), the gaming device provides an opportunity for the player to change the award. In a first example, as seen in Fig. 17, the modifier method indicator 314 indicates one of the modification methods of the modification method display 312. More specifically, the modifier method indicator 314 indicates "replace lowest digit." Accordingly, the gaming device replaces the "3" in the displayed award value of 693 with another number. In this case, the 3 is replaced with the number 2. In a second example, as seen in Fig. 18, another modification method is applied to the award value of 693. In Fig. 18, the modifier method indicator 314 indicates the "replace highest digit" method. Accordingly, the gaming device replaces the "9" in the displayed award value of 693 with another digit (i.e., the 9 is replaced with a 2). Figs. 19, 20, and 21 illustrate other examples of modification methods which may be applied to the award value that is initially displayed after the generated numbers 116 have been placed in the digit positions 118 to 122.

In Rose, when the shuffle feature occurs (i.e., when the revealed numbers are randomly re-ordered), the CPU randomly selects one of a possible number of credit amounts which include different arrangements of the revealed numbers based on a weighted probability table. The CPU subsequently causes the symbols and their respective numbers to be re-ordered to show the randomly-selected credit amount. This is the only method disclosed in Rose for modifying the initially displayed award. Thus, Rose does not render obvious a gaming device which includes: (a) a moveable mechanical display device having a plurality of different modification methods displayed thereon, and (b) at least one processor which operates to cause the mechanical display device to move to simultaneously display a plurality of the modification methods to a player and to cause an indicator to move to indicate one of the modification methods which is displayed when the mechanical display device stops moving.

Accordingly, for at least the reasons discussed above, amended independent Claim 31 and the claims depending from amended independent Claim 31 are each patentably distinguished over Rose and in condition for allowance.

The Office Action rejected Claims 8, 20, and 90 under 35 U.S.C. §103(a) as being unpatentable over Rose in view of U.S. Patent No. 5,205,555 to Hamano ("Hamano").

The Office Action states that Hamano discloses a gaming device which determines an award for a player by performing a mathematical computation of the numbers that stop on the top line of the reels of the gaming machine. The Office Action asserts that it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Hamano's process for determining and calculating a player's award into the gaming machine of Rose to provide an electronic game that is more complicated and interesting than relying on an award paid in response to a predetermined of player determined combination that is in a one to one, fixed relationship with a predetermined stored payable in the gaming machine.

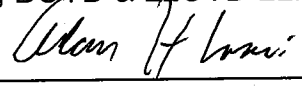
Claims 8, 20, and 90 depend from amended independent Claims 1, 13, and 81, respectively. Regardless of whether it would have been obvious to modify Rose in the manner proposed by the Office Action, Hamano does not cure the deficiencies of Rose described above with respect to amended independent Claims 1, 13, and 81. Accordingly, for at least the reasons discussed above, Claims 8, 20, and 90 are each patentably distinguished over Rose and Hamano and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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Dated: December 17, 2008